

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

HONORABLE JAMES P. BEENE

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MATTER OF
JOSHUA MICHAEL MCADAM

TIMOTHY W DURKIN

AND

TOSHA LYNN RICHMOND

MARY KAY GRENIER

AZ DEPARTMENT OF VITAL
RECORDS

MINUTE ENTRY

Prior to today's proceedings, Petitioner's Exhibits 1 through 11 and Respondent's Exhibits 12 through 22 are marked for identification.

Courtroom 405-SE

2:01 p.m. This is the time set for Temporary Orders Hearing. Petitioner/Father, Joshua Michael McAdam, is present with counsel, Timothy W. Durkin. Respondent/Mother, Tosha Lynn Richmond, is present with counsel, Mary Kay Grenier.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

Discussion is held.

The parties have reached an agreement regarding paternity and custody. Based thereon,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

PATERNITY

THE COURT FINDS that Joshua Michael McAdam is the natural father of the minor children, Allivia McAdam, born on October 15, 2004, and Tyler McAdam, born June 16, 2007, to Tosha Lynn Richmond.

IT IS ORDERED declaring Joshua Michael McAdam is the legal father of the minor children, Allivia McAdam, born October 15, 2004, and Tyler McAdam, born June 16, 2007, with all rights and responsibilities for said child as ordered by the Court.

IT IS FURTHER ORDERED that new birth certificates for the minor children shall be issued and/or amended or supplemented to reflect the true paternity of the children, if the name of the natural father does not now appear on the original certificates.

IT IS FURTHER ORDERED that the parties shall obtain an application to amend the birth certificates from the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007, (602) 364-1300, and shall submit the applications, along with a certified copy of this minute entry order, to the Office of Vital Records so that the birth certificates may be amended or supplemented, as ordered herein.

LEGAL CUSTODY

IT IS ORDERED as follows:

- A. The parties are awarded joint legal custody of the minor children.
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the children and may secure information from and consult with all health care professionals involved with the minor children. Each party shall keep the other parent informed of the names, addresses and telephone numbers of all health care providers of the children.
- C. Each parent is entitled to full and unrestricted access to all school records, teachers and school officials involved in the children's schooling.
- D. In the event of any emergency or urgent circumstance involving the children, the other parent shall be notified as soon as is reasonably possible.
- E. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity or other similar event in which parents are routinely invited or permitted to attend.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

- F. Each parent shall keep the other apprised of his/her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- G. It is in the furtherance of the children's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall develop their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.
- H. It is anticipated that parental decisions shall be required for major issues in raising the children and in meeting his on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, Mother shall have "presumptive decision making authority." This level of authority shall allow Mother the right to make a preliminary decision that she shall then communicate to Father. If Father believes that her decision is contrary to the best interests of the children, he shall have the right to seek review thereof through the Court. Father shall have the burden to demonstrate that the decision made by Mother is contrary to the children's best interests. It shall not be sufficient for him to demonstrate that an alternative decision may have also been in the interest of the children.

Joshua Michael McAdam, Tosha Lynn Richmond and Pamela Freeman are sworn.

Pamela Freeman testifies.

Witness is excused.

Joshua Michael McAdam testifies.

Petitioner's Exhibit 5 is offered and is received in evidence over objection.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

Petitioner's Exhibits 2, 6 and 8 are offered and are received in evidence.

Witness is excused.

Tosha Lynn Richmond testifies.

Respondent's Exhibit 14 is offered and is received in evidence.

Respondent's Exhibit 21 is offered and is received in evidence over objection.

Respondent's Exhibits 12, 13 and 17 are offered and are received in evidence.

Witness is excused.

IT IS ORDERED taking the issue of temporary orders under advisement.

To address Petitioner's Petition to Establish Paternity, Parenting Time and Child Support and to Prevent Relocation,

IT IS ORDERED setting this matter for **Trial on November 2, 2012 at 2:00 p.m. (time allotted: 3 hours)** before the Honorable Paul McMurdie at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 405
222 E. Javelina Avenue
Mesa, AZ 85210

Due to the judicial rotation scheduled to occur in June, 2012, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.

JOINT PRETRIAL STATEMENT

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 6.5, Local Rules of Practice – Maricopa County (Domestic Relations Cases), no later than October 26, 2012.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

IT IS FURTHER ORDERED that both parties submit the following attachments to the Joint Pretrial Statement:

1. A current Affidavit of Financial Circumstances in accordance with Local Rule 6.4(b), accompanied by copies of federal income tax returns for the past two years along with W-2 or 1099 forms and copies of the last four pay stubs.
2. A current Parent's Worksheet for Child Support Amount pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation.
4. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one page statement of all property except personal property items valued at less than \$500.00 each. If division of the marital residence is at issue at trial, the party seeking to be awarded the marital residence shall offer as an exhibit at trial the true and accurate legal description of the property.
5. A list of debts with balances.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure, and Local Rule 6.6, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 404 **no later than 12:00 p.m. on October 26, 2012 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 405 and must have *colored* paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the “Bench Copy”.

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule XII(b), Uniform Rules of Practice, and Maricopa County Local Rules 2.10(b) and 3.6(c).

The Court notes that if either party fails to appear at trial, default judgment may be entered against him or her and/or the matter may proceed at that time to trial or to a default judgment hearing under Rule 55(b)(2).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before October 2, 2012.
2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than October 2, 2012.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

3:11 p.m. Matter concludes.

Dated this 2nd day of May, 2012

/S/ HONORABLE JAMES P. BEENE

JAMES P. BEENE
SUPERIOR COURT JUDICIAL OFFICER

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-091366

05/02/2012

provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.